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U.S.-U.S.S.R. CONCESSIONS NEEDED TO END ATOM BOMB DEADLOCK

THE bitter Wallace-Baruch controversy concerning the merits and defects of the American proposal of June 14 to the United Nations Atomic Energy Commission* threatens to befuddle public opinion on the crucial question of what the United States and Russia are willing to do about control of atomic energy. Leaving aside the personal attacks made on both sides, it is clear that Wallace and Baruch differ both as to procedure and substance.

WALLACE OBJECTS. In his letter of July 23 to President Truman on this country's relations with Russia, supplemented by the statement he issued on October 3 in reply to that of Baruch on October 1, Mr. Wallace raised three main objections to the American atomic energy proposal of June 14. First, he asserted that it envisaged "step-by-step" negotiations which, he believes, will prove ineffective, and insisted that "the entire agreement will have to be worked out and wrapped up in a single package." Second, he said that under the proposal the United States would retain its stockpile of atomic bombs and would continue to manufacture more bombs, and at the same time demand from other nations, notably Russia, both information about their resources of uranium and thorium, the two fissionable materials, and discontinuance of research into the military uses of atomic energy. Third, Mr. Wallace criticized as irrelevant the United States proposal to abandon the veto power over the decisions of the Atomic Energy Commission.

BARUCH REPLIES. Mr. Baruch, in his memorandum of September 24 to President Truman and in his statement of October 1 attacking Mr. Wallace's refusal to disavow remarks in his July 23 letter which Baruch regarded as untrue, replied to Wallace point by point. In answer to Wallace's first objection he said that, while according to the American proposal the plan of control would have "to come into effect in successive stages," the proposal actually provides for the "single-package" procedure; for it states that these stages "should be specifically fixed in the charter or means should be otherwise set forth in the charter for transition from one stage to the other." In answer to Wallace's second objection, Mr. Baruch pointed out that the United States, pending the conclusion of an atomic energy control treaty by which all nations would be equally bound, had not asked others "to refrain from research on the military use of atomic energy and would not ask this unless we were prepared to cease such research ourselves. We have not asked others to disclose their own material resources and would not do so unless we were prepared to disclose our own." (It was with reference to this issue particularly that Baruch asked for a retraction by Wallace). In answer to Wallace's third objection, concerning use of the veto power, Mr. Baruch vigorously disputed the contention that this issue is "irrelevant." On the contrary, he reiterated the view he had expressed in presenting the American proposal of June 14 that punishment of violations of international control lies at the very heart of the security system, and that "there must be no veto to protect those who violate their solemn agreement not to develop or use atomic energy for destructive purposes."

MUTUAL TRUST MAIN ISSUE. The main issue between Baruch and Wallace is their disagreement on the most promising way of creating mutual trust between the United States and Russia. Mr. Wallace believes that the counter-proposal presented by the Russians to the Atomic Energy Commission on June 19 is in itself "an indication that they may

*Foreign Policy Bulletin, June 21, 1946.

be willing to negotiate seriously if we are." This counter-proposal contemplates national control over the use of atomic energy as contrasted with the international control suggested by the United States with the support of many other nations. It has been criticized on this ground by experts who are otherwise friendly to Russia, but who do not in all honesty believe that national control will prove effective in this instance any more than it did in the Kellogg-Briand pact under which the signatory nations agreed to abolish war as an instrument of foreign policy, and then took no international action to implement their pledges.

There is considerable evidence to support Mr. Wallace's view that possession by the United States (as well as Britain and Canada) of the secret of manufacture of the atomic bomb, together with the known fact that we have a stockpile of bombs and continue to manufacture them, have increased Russia's mistrust of the United States. In all fairness, however, it must be said that some mistrust existed before Hiroshima, and that Russia, in turn, has taken a number of steps which have aroused mistrust in the United States. While Mr. Baruch is right in his contention that the veto power would nullify the effectiveness of international control over the use of the new weapon, it was tactically unfortunate that the United States, irked by Russia's frequent invocation of the veto in the Security Council, raised that issue in the Atomic Energy Commission. For this could readily be interpreted in Moscow as a sinister backdoor move to deprive Russia of the veto which, along with the United States, it had insisted on including in the United Nations Charter.

Yet when all is said and done, the core of the problem is how to devise workable international control over the new source of energy which can both destroy and enhance human welfare. This problem cannot be solved by the United States alone, for it involves sacrifice by both the United States and Russia of what each considers part of its sovereignty. We have something to yield with respect to our possession of the secret of manufacturing the bomb, and Russia (assuming that it has not yet discovered the secret), has something to yield with respect to its concept that national control will be sufficient to give other nations the feeling of security Russia itself demands.

VERA MICHELES DEAN

NUREMBERG COURT APPLIES CONCEPT OF INDIVIDUAL WAR GUILT

The verdict of the International Military Tribunal, announced at Nuremberg on October 1, raises many questions about the competence of the court and the concepts of law it was instructed to apply. Since the trials have established the guilt of only nineteen of the accused, allowing Franz von Papen, Hjalmar Schacht and Hans Fritzsche to go free, the judgment has also drawn the fire of those who would go further and punish countless lesser-known Germans who participated in and benefited by the Hitler régime during the period it was preparing for war. The decision of the court to free Schacht, in particular, makes it doubtful that other financiers or industrialists who supported the Nazi program will be brought to justice. The controversy which will doubtless follow about the innocence or guilt of such men may well merge with the dispute between Russia and the Western powers over Germany's economic and political future. Senator Robert A. Taft's charge on October 5 at Kenyon College that the trials were *ex post facto* proceedings indicates that they may also have domestic political repercussions.

LAW AND THE TRIALS. The Nuremberg Tribunal was established in August 1945 by a four-power agreement among France, Britain, Russia and the United States. On October 21, 1945 Justice Robert H. Jackson, for the prosecution, read the indictment of the chief living Nazi spokesmen, charging that they had committed crimes against the peace and humanity, had waged aggressive war and violated the rules of warfare. In appraising the acquittals or other decisions of the court, the precise character of the indictments must be remembered and the nature of international law must be taken into consideration.

In a legal sense few observers will disagree with Justice Jackson's belief that the court's action will be important long after the accused individuals are forgotten. Many laymen all over the world will also share his view that the court should have condemned all the defendants. For only a strict reading of the charges enabled a majority of the judges to find men innocent who had supported Hitler almost until the end. Some authorities in the English-speaking countries fear that the trials will make martyrs of the Nazi leaders. Lawyers, however, will applaud the court's attention to the details of legal procedure. Meticulous adherence to approved legal rules will avoid much subsequent criticism of the court's verdict. The careful documentation of the guilt of the Nazi leaders, which the court required, will itself prove of value if the story thus revealed is adequately interpreted, especially in Germany. Not the least of the benefits derived from the trials is that experts representing widely different legal systems found it possible to approach a common problem with a remarkable degree of agreement.

Outweighing all other considerations is the fact that the court has found the Nazi leaders responsible as individuals for crimes against the peace and against humanity. Because of the atrocities perpetrated by the Nazis, there will be few, if any,

critics of the court's opinion that the laws of war were violated. The charges and decisions relating to crimes against humanity will also stand unchallenged, although comparable indictments were never before brought to the attention of such a tribunal. The trial records show, however, that never in modern history have murder, enslavement and persecution been practiced so systematically and on so vast a scale.

The court's decision that the several individuals committed crimes against the peace is more difficult to sustain. In establishing individual guilt for preparing and waging aggressive war the court frankly assumed the role of a pioneer in developing international law. Despite the Kellogg-Briand pact, to which the indictment referred, world public opinion did not consider war outlawed when Hitler came to power in 1933, nor had international measures been taken to prevent aggression. The debate will continue as to whether the court has acted *ex post facto* in calling war a crime and passing judgment on individuals. Yet even if the war crimes decision is unprecedented, it is time the precedent was set. This was the conviction of the prosecution and the judges at Nuremberg. The layman will support this approach, although he must look, as Justice Jackson has said, to wise statesmanship among the great powers to insure that this rule of law becomes a living reality. Nuremberg demonstrates especially that deterring war criminals is but a part of the struggle to prevent war.

JUSTICE AT NUREMBERG. The immediate results of the trials—death or imprisonment for some, freedom for others—at first appear unrelated to the broader legal concepts dealt with at Nuremberg. Precisely the opposite is true, however, since those who have been set free will be dangerous only if war again becomes possible because of German resurgence or because the victors in World War II are unable to agree among themselves about the bases of peace. It can be predicted with certainty, for example, that the debate over the Schacht acquittal will center on the divergent economic views held by the occupying powers. Schacht has left little to guesswork in this regard by his interview to the press on October 5, when he told reporters of his plans for the rebuilding of Germany's economy.

Other disagreements may develop between Russia and the Western powers over German political trends resulting from the trials. For beyond acquitting three individuals the court did not make any group condemnation of Nazi or German organizations such as the Elite Guard, the Storm Troopers or the General Staff. While on both the acquittals and the action taken on group bodies the Russian judge, Major General I. T. Nikitchenko, dissented, other trial courts may take their cue from the majority decision and acquit Germans in large numbers. German denazification courts are now taking steps to try Schacht and Fritzsche while von Papen remains temporarily in jail. But if, in the end, they are treated leniently and the great powers vie for the support of these individuals or groups in Germany, the Nuremberg trials will have failed in their purpose.

GRANT S. MCCLELLAN

Statement of the Ownership, Management, Circulation, Etc., Required by the Acts of Congress of August 24, 1912 and March 3, 1933, of

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State of New York, County of New York, ss.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Vera Micheles Dean, who, having been duly sworn according to law, deposes and says that she is the Editor of the FOREIGN POLICY BULLETIN, and that the following is, to the best of her knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in Section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

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FOREIGN POLICY ASSOCIATION, Incorporated.

By VERA MICHELES DEAN, Editor.

Sworn to and subscribed before me this 12th day of September, 1946.

[Seal] CAROLYN E. MARTIN, Notary Public.

New York County, New York, County Clerk's No. 365, New York County Reg. No. 164-M-7. (My commission expires March 30, 1947.)

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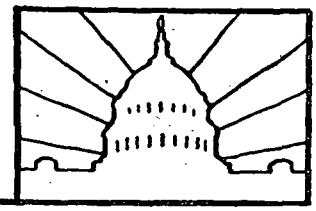

COPENHAGEN CONFERENCE URGES WORLD FOOD BOARD

The United Nations are about to make a serious inquiry into the question whether individual nations should subordinate at least some aspects of their economies to regulation by an international body. Inspiration for this unusual step comes from a desire on the part of many governments, first, to free agricultural producers from the threat of declining prices — a threat which if realized might impair world economy; and, second, to invigorate their populations by improving the diets of the habitually underfed. The United Nations Food and Agriculture Organization at its conference in Copenhagen, September 2 to 13, approved a report proposing the creation of a World Food Board with plenary powers to integrate world agriculture, stimulate agricultural production, safeguard farmers from price declines and raise the world's nutritional standards. The conference established a Preparatory Commission which is to meet in Washington before November 1 to make recommendations to member governments on the manner in which a World Food Board might operate.

NATIONAL VS. INTERNATIONAL CONTROL. The idea of such an international board is not new. The League of Nations in 1937 favored a plan to ward off depressions by creating an agency authorized to buy unmarketable surplus agricultural commodities when prices were falling and to sell those commodities when prices rose beyond a prescribed level in order to stabilize trade. The United Kingdom delegation to the United Nations Conference on Food and Agriculture in 1943 urged the establishment of a "buffer stock" board. In a report issued in April 1945 the U.S. Department of Agriculture's Interbureau Committee on Post-War Programs supported the buffer-stocks scheme, and suggested that unmarketable surpluses be used "for the improvement of the diets and living standards of low-income groups in foreign countries, as well as in the United States." While governments have not adopted previous proposals for such international action, many of the countries represented at the Copenhagen conference formally expressed their approval of the World Food Board principle.

National price-support controls over agricultural production and trade are now common throughout the world. The existence of national controls stimulates the demand for some sort of international control because, as the Interbureau Committee stated in its 1945 report, "price supports, if they are used widely and without regard to their effects on other countries, tend to lead to trade wars and to aggravate world-surplus situations. The leading proposals for avoiding this . . . involve (1) relaxation of government intervention and (2) international arrangements to coordinate intervention."

The proposal for a World Food Board, as presented to the Copenhagen conference by the FAO Director-General, Sir John Boyd Orr, contemplates the coordination of state intervention. At the same time the United States, in the "Suggested Charter for an International Trade Organization of the United Nations" published in September, stresses the desirability of relaxing government intervention in trade and in commodities that move in international trade. "It seems unlikely that either the United States or other important producing countries would abandon, or even relax significantly, the measures of intervention in favor of their producers," the Interbureau Committee said in 1945. The FAO Preparatory Commission is not limited to consideration of the Orr proposals. It will be free to judge between the merits of the two policies—no intervention, or international intervention.

FAO CONFERENCE HEARTENING. The FAO Conference, attended by voting delegations from thirty-three of its forty-seven member countries, heartened the participants. The delegates, representing countries widely different in economic and social structure and conditions, showed a ready grasp of the nature of the problem before them and acted with a determination to offer concrete remedial measures. They promptly resolved their many disagreements and, having established the Preparatory Commission, adjourned one day earlier than had been expected. The absence of Russia from the conference dismayed the delegates, but representatives of countries closely related to Russia—Poland, Czechoslovakia, Rumania and Hungary — attended; and Russia was invited to take part in the Preparatory Commission. The work of the Commission will be reviewed by the individual governments represented on it and by the Economic and Social Council of the United Nations.

BLAIR BOLLES

(Mr. Bolles has just returned from the FAO Conference in Copenhagen.)